



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

225549

James R. Paschall
Senior General Attorney



(757) 629-2759

August 17, 2009

VIA UPS NEXT DAY AIR

Ms. Anne K. Quinlan, Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20024

ENTERED
Office of Protection

AUG 18 2009

Part of
Public Record

Re: STB Docket No. AB-290 (Sub. No. 314X), Norfolk Southern Railway
Company – Abandonment - In Latrobe, Westmoreland County,
Pennsylvania – Notice of Exemption

Dear Ms. Quinlan:

Enclosed for filing with the Board in the captioned proceeding are an original and ten copies of the Notice of Exemption. Also enclosed is a check in the amount of \$3,700.00 to cover the filing fee.

Thank you for your assistance.

Yours very truly,

James R. Paschall

JRP/kch
Enclosures

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AUG 18 2009
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
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TRANSPORTATION BOARD

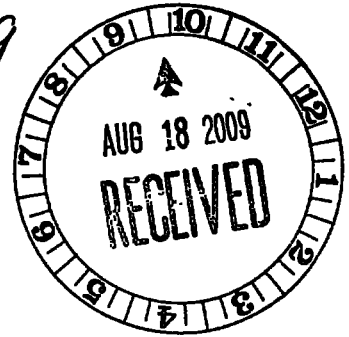
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Office of Proceedings

AUG 18 2009

Part of
Public Record

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BEFORE THE

SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-290 (SUB-NO. 314X)

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NORFOLK SOUTHERN RAILWAY COMPANY

-- ABANDONMENT --

IN LATROBE, WESTMORELAND COUNTY, PENNSYLVANIA

FILED
AUG 18 2009
SURFACE
TRANSPORTATION BOARD

VERIFIED NOTICE OF EXEMPTION

COMES NOW Norfolk Southern Railway Company ("NSR") and files this notice of exemption from regulation under 49 U.S.C. §§ 10903, pursuant to the provisions of 49 U.S.C. § 10502 and 49 CFR § 1152.50, for abandonment of its line of railroad lying between mileposts XN-0.00 and XN-2.04 in Latrobe, Westmoreland County, Pennsylvania (the "Line").

Pursuant to the Board's regulations codified at 49 CFR § 1152.50, NSR states as follows:

Traffic Certification - §§ 1152.50(b) and (d)(2)

As the attached certificate of General Manager J. W. Hall confirms, no traffic has originated, terminated or moved overhead on this line segment for at least two years (or any overhead traffic on the line can be rerouted over other lines), and no complaint is

pending with the Board or a U. S. District Court or has been decided in favor of a complainant concerning cessation of service over this line within the two-year period.

Consummation Date - § 1152.50(d)(2)

The effective date of the abandonment between mileposts XN-0.00 and XN-2.04 in Latrobe, Westmoreland County, Pennsylvania, will be October 7, 2009.

General Corporate Information - § 1152.22(a)(1-2) and (7)

The party filing this notice is Norfolk Southern Railway Company, a common carrier by railroad subject to STB jurisdiction under the Interstate Commerce Commission Termination Act (Interstate Transportation Act) (49 U.S.C. Subtitle IV, Chapter 105), whose representative to whom correspondence may be sent is:

James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510
(757) 629-2759

Description of the Line and the Relief Sought - § 1152.22(a)(3-4 and 7)

The relief sought is an exemption from the prior approval requirements of 49 U.S.C. §10903 in order for NSR to abandon the subject line. The line that will be subject to abandonment under the exemption consists of 2.04 miles of track between mileposts XN-0.00 and XN-2.04 in Latrobe, Westmoreland County, Pennsylvania. A map showing the line to be abandoned, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The line traverses United States Postal Service ZIP Code 15650.

Suitability of the Line for Other Public Purposes - § 1152.22(e)(4)

NSR is not aware of any restriction on the title to the right-of-way that would affect the transfer of title or the use of property for other than rail purposes but will provide full title information promptly if it receives a proposal to acquire the property for public purposes.

Labor Protection - § 1152.50(d)(2)

Since the line to be abandoned has been out of service for over two years, NSR believes no employees will be adversely affected by exercise of abandonment authority for this line. However, as a condition to exercise of the authority permitted in this matter, NSR will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

Environmental and Historic Reports; Certifications - § 1105.7 and § 1105.8


Attached is a Combined Environmental and Historical report prepared and served in accordance with the Surface Transportation Board's regulations. NSR certifies that the notice and transmittal requirements of § 1105.7, § 1105.8 and § 1105.11 have been met.

Service and Newspaper Notice Requirements Certification - § 1152.50(d)(1-2)

As the attached certification indicates, NSR certifies that it has complied with the service and notice requirements of § 1152.50(d)(1)(certain government agencies) and § 1105.12 (newspaper notice).

For the foregoing reasons, NSR believes the proposed rail line abandonment is exempt from the prior approval requirements of 49 U.S.C. §§ 10903 pursuant to 49 C.F.R. § 1152.50 and requests that the Board serve the appropriate notice of exemption.

Respectfully submitted,



John H. Friedmann
Vice President
Norfolk Southern Railway Company

Of Counsel:

James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191
(757) 629-2759

Attorney for Norfolk Southern Railway Company

Dated: August 17, 2009

CERTIFICATION

STATE OF GEORGIA:

SS:

CITY OF ATLANTA:

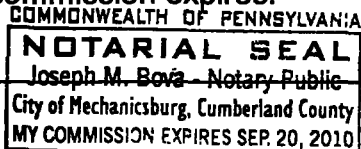
J. W. Hall makes oath and says that he is General Manager Northern Region for Norfolk Southern Railway Company; that the line between milepost XN-0.00 and milepost XN 2.04 in Latrobe, Westmoreland County, Pennsylvania, which is to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.


J. W. Hall

Subscribed and sworn to before me
this 7th day of July, 2009.


Notary Public

My commission expires:



VERIFICATION

COMMONWEALTH OF VIRGINIA :
: SS:
CITY OF NORFOLK :

John H. Friedmann, being duly sworn, deposes and says that he is Vice President of Norfolk Southern Railway Company; that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No. 314X) on behalf of Norfolk Southern Railway Company; that he has carefully examined all of the statements contained in said Notice of Exemption; that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief.



John H. Friedmann

Subscribed and sworn to before me
this 12th day of August, 2009.

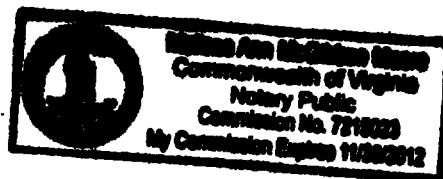


Notary Public

My commission expires:

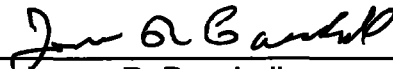
11/30/2012

[SEAL]



CERTIFICATION

I hereby certify (1), pursuant to § 1105.11, that a Combined Environmental and Historic Report was submitted to the agencies identified in § 1105.7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 2); (2), pursuant to § 1105.12, that a notice of intent to abandon rail service was published in *The Latrobe Bulletin*, Latrobe, Pennsylvania, on July 21, 2009 (see Exhibit 3); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 4).



James R. Paschall

Dated: August 17, 2009

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon the following parties, by first class mail, postage prepaid, on August 17, 2009:

Pennsylvania Dept. of Transportation
Bureau of Rail Freight, Port &
Waterways
P. O. Box 2777
Harrisburg, PA 17105

Mr. James H. Cawley, Chairman
Penn. Public Utilities Commission
P. O. Box 3265
Harrisburg, PA 17105

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
1400 Independence Ave., SW
Washington, DC 20250-0003

Regional Director
National Park Service-Northeast Region
U. S. Customhouse, Fifth Floor
200 Chestnut Street
Philadelphia, PA 19106

Ms. Jan Matthews, Associate Director
U. S. Department of the Interior
National Park Service
Cultural Resources, Room 3126
1849 C Street, N.W.
Washington, DC 20240

U. S. Dept. of Defense (SDDCTEA)
Railroads for National Defense Program
709 Ward Drive
Bldg. 1990, Room 2E264
Scott AFB, IL 62225



James R. Paschall

Latrobe, Pennsylvania

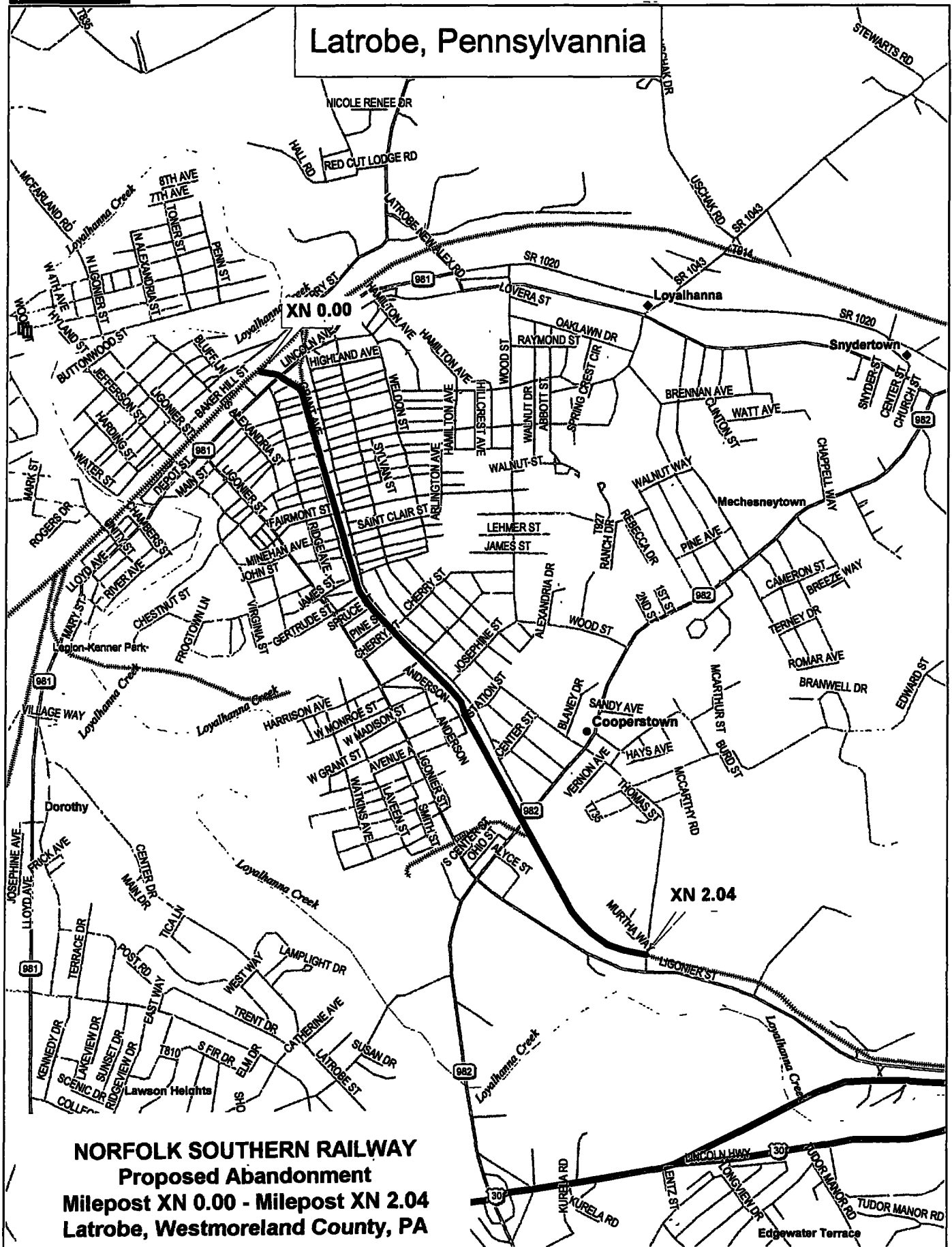


EXHIBIT 2

ENVIRONMENTAL AND HISTORIC REPORTS

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-290 (Sub-No. 314X)

**NORFOLK SOUTHERN RAILWAY COMPANY
PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN MP XN 0.00 and MP XN 2.04,
IN LATROBE, WESTMORELAND COUNTY,
PENNSYLVANIA**

Combined Environmental and Historic Report

**July 1, 2009
Revised July 24, 2009**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-290 (Sub-No. 314X)

**NORFOLK SOUTHERN RAILWAY COMPANY
PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN MP XN 0.00 and MP XN 2.04,
IN LATROBE, WESTMORELAND COUNTY,
PENNSYLVANIA**

Combined Environmental and Historic Report

Norfolk Southern Railway Company ("NSR") submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment from Milepost XN 0.00 to Milepost XN 2.04, a total distance of 2.04 miles, in Latrobe, Westmoreland County, Pennsylvania.

A map delineating the line proposed for abandonment is attached as **Appendix A**. NSR's letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as a result of consultations can be found in **Appendix C**.

ENVIRONMENTAL REPORT

49 CFR 1105.7(e)(1) Proposed Action and Alternatives.

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

RESPONSE: Norfolk Southern Railway Company (NSR) proposes to abandon 2.04 miles of rail line between railroad milepost XN 0.00 and railroad milepost XN 2.04 in Latrobe, Westmoreland County, Pennsylvania. The line proposed for abandonment has been dormant for many years.

Following abandonment, the line segment will be salvaged. The alternatives to abandonment of the entire line are to not abandon the line or to discontinue service over the line and retain the track in place. These alternatives are not satisfactory. Norfolk Southern would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained.

49 CFR 1105.7(e)(2) Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. There is no rail freight or passenger traffic remaining on the line segment proposed for abandonment.

49 CFR 1105.7(e)(3) Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

RESPONSE: The proposed abandonment involves 2.04 miles of rail line located in Latrobe, Westmoreland County, Pennsylvania. The land along this line is in an urban area. NSR believes impacts to land use by the proposed rail line abandonment will be negligible. An outline of future land use plans has been requested from the Westmoreland County Board of Commissioners and from the Mayor of Latrobe. These agencies were also asked to comment on the consistency of the proposed abandonment with existing land use plans.

In his response, a copy of which is attached in **Appendix C**, the Westmoreland County Senior Planner states that the proposed project has been determined to conform to the planning goals of the County.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

RESPONSE: Consultation was requested from The United States Department of Agriculture, Natural Resources Conservation Service.

In their response, a copy of which is attached in **Appendix C**, the USDA-NRCS states that the area in question is in urban development.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

RESPONSE: In a letter dated April 22, 2009, a copy of which is attached in **Appendix C**, the Pennsylvania Coastal Resource Management Program states that the proposed project is located outside of Pennsylvania's Erie and Delaware Coastal Zones, and will not impact upon it.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

RESPONSE: NSR does not have fee title to the entire right of way underlying the line proposed for abandonment; therefore, NSR will not have a contiguous corridor available for public use.

49 CFR 1105.7(e)(4) Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry any energy resources when it was last in operation.

(ii) Describe the effect of the proposed action on recyclable commodities.

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry such commodities when it was last in operation.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

RESPONSE: The proposed action will not result in an increase or decrease in overall energy efficiency as no freight or passenger traffic has moved over the line in over two years.

*(iv) If the proposed action will cause diversions from rail to motor carriage of more than:
(A) 1,000 rail carloads a year; or
(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.*

RESPONSE: No traffic will be diverted from rail to motor carriage as a result of the proposed action.

49 CFR 1105.7(e)(5) Air.

*(i) If the proposed action will result in either:
(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or
(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

RESPONSE: The above thresholds will not be exceeded.

*(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:
(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,
(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or
(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.*

RESPONSE: The above thresholds will not be exceeded. Westmoreland County, Pennsylvania is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U.S. Environmental Protection Agency, with the exception of particulate matter (2.5), 1-Hr ozone and 8-Hr ozone.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

RESPONSE: Not applicable.

49 CFR 1105.7(e)(6) Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more; or

(ii) An increase to a noise level of 65 decibels Ldn or greater.

If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

RESPONSE: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

RESPONSE: Abandonment of the captioned rail line will have no significant effect upon public health or safety. There is one private and eight public grade crossings located on the line. A list of the at-grade crossings is attached in **Appendix D**.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

RESPONSE: Not applicable.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

RESPONSE: NSR has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right of way or in adjacent areas.

49 CFR 1105.7(e)(8) Biological Resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

RESPONSE: NSR does not believe that any federally listed endangered species or their habitats will be adversely affected by the abandonment. A consultation was requested from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species.

In their response, a copy of which is attached in **Appendix C**, the U. S. Fish and Wildlife Service states "No federally listed species under our jurisdiction is known or likely to occur in the project area."

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

RESPONSE: Based on the site investigation, the line segment proposed for abandonment does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, National Parks or Forests, or State Parks or Forests are anticipated.

49 CFR 1105.7(e)(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

RESPONSE: Norfolk Southern does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. This line segment crosses no waterways. Since there are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, water quality impacts are not expected in connection with the proposed action. Consultation has been requested from the Pennsylvania Department of Environmental Protection and from the United States Environmental Protection Agency. A copy of the response of the Pennsylvania Department of Environmental Protection is attached in **Appendix C**.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

RESPONSE: There are no waterways on this line segment. The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, the railroad does not believe a Section

404 permit will be required in connection with the proposed abandonment. Consultation was requested from the US Army Corps of Engineers.

In their response, the US Army Corps of Engineers states that no permit is required. A copy of this response is attached in **Appendix C**.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

RESPONSE: This line segment crosses no waterways. There are no intentions to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There should be no significant effects to water quality or the need to acquire a Section 402 permit under the Federal Water Pollution Control Act; however, consultation was requested from the Environmental Protection Agency and from the Pennsylvania Department of Environmental Protection.

49 CFR 1105.7(e)(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

RESPONSE: Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity may occur, such as removal of rail, ties, and other railroad appurtenances. NSR will undertake all reasonable mitigation associated with these activities to assure the abandonment does not produce adverse environmental impacts.

Additional Information – Pennsylvania Department of Transportation

Attached in **Appendix C** is a response from the Pennsylvania Department of Transportation, Bureau of Rail Freight, Ports and Waterways.

HISTORIC REPORT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon 2.04 miles of rail line between railroad milepost XN-0.00 and railroad milepost XN-2.04 in Latrobe, Westmoreland County, Pennsylvania. The line proposed for abandonment has been dormant for many years. The abandonment will end NSR's common carrier obligation to provide service over this line of railroad. Following abandonment, rail and track materials will be salvaged.

The alternatives to abandonment of the entire line are to not abandon the line or to retain the track in place. These alternatives are not satisfactory. Service over the line is not required to serve any shippers. Norfolk Southern would incur opportunity and other holding costs that would need to be covered by customers were this line segment to be retained.

A map delineating the line proposed for abandonment is attached as **Appendix A**.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation.
- (2) **Written Description of Right of Way** -- The right-of-way width is 30 feet on each side of the main track centerline, between railroad milepost XN-0.00 and railroad

milepost XN-2.04, a distance of 2.04 miles. The line passes through urban and residential areas.

Pursuant to Surface Transportation Board (STB) policy, the railroad right-of-way will constitute the Area of Potential Effect (APE) for this undertaking.

(3) **Photographs** – As there are no bridges or other structures on the segment to be abandoned, no photographs are provided.

(4) **Date of Construction of Structures** – There are no bridges or other structures associated with this abandonment.

(5) **History of Operations and Changes Contemplated** - The line of railroad that is the subject of the related notice to the STB is a 2.04-mile segment of rail line between Mileposts XN-0.00 and XN 2.04 in Latrobe, Westmoreland County, Pennsylvania.

This line segment was originally part of the Latrobe and Ligonier Rail Road Company, which was incorporated in April, 1853. Surveys for the line were originally done in 1853 and 1854. However, the goals of the incorporators exceeded their financial ability, which resulted in a delay of construction. After several reorganizations and supplemental acts of the legislature, the name of the railroad was changed to the Ligonier Valley Rail Road Company in May, 1871. Construction was mostly completed by the end of 1873, but lack of finances made it impossible to complete. In August, 1877, Judge Thomas Mellon took over the railroad and opted to construct and operate a narrow gauge line. The Ligonier Valley Rail Road went into service on December 1, 1877, and was converted to standard gauge in 1882. It also provided passenger service during its entire existence.

Although the Ligonier Valley Rail Road hauled freight of all kinds, mineral products, stone, coal and coke, were the main sources of revenue. Timber was also a major source of freight traffic, but by 1930, that business had dwindled to nothing. With the decline of the timber and coal industries, on August 31, 1952, after seventy-five years of service, operations came to an end and the Pennsylvania Railroad took over that part of the Ligonier Valley mainline between Latrobe and Kingston.

The Pennsylvania Railroad Company was incorporated April 13, 1846, by a special act of the Legislature of Pennsylvania, and was granted Letters Patent dated February 25, 1847 by the Commonwealth of Pennsylvania. It promoted itself, and became known as, "The Standard Railroad of the World."

The Pennsylvania Railroad Company charter authorized the construction of a railroad from Harrisburg, Pennsylvania to Pittsburgh, Pennsylvania, with branches to various points in the State. The Pennsylvania Railroad Company began construction of its rail lines at Harrisburg, Pennsylvania on July, 1847. The Pennsylvania Railroad opened its line from Harrisburg to Hollidaysburg, Pennsylvania, where it connected with the Portage Railroad, on September 16, 1850 and from Altoona, PA to Pittsburgh, PA in 1852, a total distance of 249.29 miles. Construction was completed on the original Western Division of the Pennsylvania Railroad, from Johnstown, Pennsylvania to Pittsburgh, Pennsylvania, on December 10, 1852.

The portion of the Pennsylvania Railroad line from Altoona, Pennsylvania to the Portage viaduct was built and opened February 15, 1854, which permitted The Pennsylvania Railroad Company to make connections with the Portage Railroad, then

owned by the State of Pennsylvania, and the Philadelphia and Columbia Railroad Company lines. This completed the initial main line of the Pennsylvania Railroad Company between Philadelphia and Pittsburgh. The famous Horseshoe Curve near Altoona, Pennsylvania was built during this final phase of construction of the railroad line between Philadelphia and Pittsburgh and opened in 1854.

On July 31, 1857, The Pennsylvania Railroad Company purchased from the Commonwealth of Pennsylvania the property designated as the Main Line of Public Works, together with the privileges and rights provided in a special act of the Legislature of Pennsylvania approved May 16, 1857. The railroad lines purchased from the Main Line of Public Works were 117.86 miles in length, consisting of 76.59 miles of line between Philadelphia, Pennsylvania and Columbia, Pennsylvania, 4.27 miles of line between Woodbine Avenue in Philadelphia and West Philadelphia, Pennsylvania, and 37.00 miles of line between Hollidaysburg, Pennsylvania and Johnstown, Pennsylvania. Also in 1857, The Pennsylvania Railroad Company purchased the Philadelphia and Columbia Railroad Company and leased the Harrisburg, Portsmouth, Mt. Joy and Lancaster Railroad Company.

The New York Central Railroad Company and the Pennsylvania Railroad Company signed an agreement of merger in 1962. In ICC Finance Docket No. 21989, filed March 9, 1962, the Pennsylvania Railroad Company and the New York Central Railroad Company made a joint application to the Interstate Commerce Commission for approval of the transaction set forth in their merger agreement. That merger agreement

was signed by the parties on January 12, 1962 and subsequently approved by the Pennsylvania Railroad Company shareholders on May 8, 1962.

In *Pennsylvania R. Co. -- Merger -- New York Central R. Co.*, 327 I.C.C. 475 (1966), the Interstate Commerce Commission (ICC) approved and authorized the merger of the New York Central Railroad Company into the Pennsylvania Railroad Company, together with sole or joint control of the New York Central's subsidiaries and affiliates and acquisition of NYC's leases of, and contracts to operate, the properties of other carriers and NYC's trackage rights, held jointly or otherwise by NYC, over lines of other carriers or terminals. The purpose of the merger was to provide the drastic relief needed to arrest a trend which, as the Commission then saw it, would certainly have reduced the individual applicants to perilous straits. See 327 I.C.C. at 493-502. In order to render the transaction consistent with the public interest as interpreted by the Commission at the time, the ICC required, among other things, that the New York, New Haven and Hartford Railroad Company (New Haven) and its affiliates and subsidiaries be included upon fair and equitable terms later to be determined by the ICC with the approval of the courts. Though consummation of the merger was permitted prior to the New Haven inclusion, it was made clear that consummation would constitute full and complete assent by merging parties as to the New Haven inclusion.

In *The Baltimore & Ohio Railroad Co. et al. V. United States et al.*, 386 U.S. 372; 87 S. Ct. 1100; 18 L. Ed. 2d 159 (1967), the United States Supreme Court found that the ICC should not have approved consummation of the merger before the Commission decided upon whether to include not just the New Haven but the three other railroads to

be protected because of the Pennsylvania Railroad Company-New York Central Railroad Company merger and the Norfolk and Western Railway Company, the Wabash Railroad Company and the New York, Chicago and St. Louis Railroad Company (the "Nickel Plate" Railroad) merger, the Erie Lackawanna Railroad Company, the Boston and Maine Railroad Company, and the Delaware and Hudson Railroad Company into either the Pennsylvania-New York Central or Norfolk and Western merged systems. This delayed consummation of the transaction even longer, to the financial detriment of all the parties.

The Pennsylvania Railroad Company was the largest railroad and the New York Central Railroad Company was the third largest railroad in the Northeastern Region of the United States at the time of the merger.

What the Supreme Court described as the largest railroad merger in the history of the Nation was consummated February 1, 1968, bringing together the companies that then dominated rail transportation in the Northeastern Region of the United States.

Subsequently, in the Fourth Supplement to the merger report, *Pennsylvania R. Co. -- Merger -- New York Central R. Co.*, 334 I.C.C. 25 (1968), the Commission fixed the terms for inclusion of the New York, New Haven and Hartford Railroad Company and ordered that the inclusion be effected. Inclusion of the New Haven into the Penn Central was consummated pursuant to the ICC's order of January 1, 1969. The Penn Central Transportation Company, a 20,000 route-mile transportation giant straddling the Northeast and extending into the Midwest and the South emerged from these transactions. Annual savings from the merger were originally predicted to exceed \$80

million after 8 years. It was thought that this system could take over and provide the necessary services of the New Haven, which was then enmeshed in deficit operations. Some 18 months after inclusion, however, Penn Central was at the reorganization court, alleging that it was virtually without cash, was unable to meet its debts as they matured, had no means of borrowing or otherwise procuring funds to pay and discharge its debts and obligations, and was desirous of effecting a reorganization pursuant to section 77. Inclusion of the New Haven, which was weighed down by being the fourth largest private carrier of passengers in the world, in the Penn Central system produced some of the financial and operating problems that bankrupted the Penn Central Transportation Company less than two years after its creation through the merger of the Pennsylvania Railroad and the New York Central Railroad.

The Penn Central Transportation Company filed a petition for reorganization under section 77 of the Bankruptcy Act, 11 U.S.C. §§ 205 et seq., on July 21, 1970. Subsequently, the United States District Court for the Eastern District of Pennsylvania appointed W. Willard Wirtz, George P. Baker, Jervis Langdon, Jr., and Richard C. Bond as trustees.

The trustees of Penn Central proposed a plan of reorganization of the debtor, which, absent Federal or other external financial assistance by October 1, 1973, would have permitted continued rail service for not more than another year over the Penn Central lines. Cessation of the debtor's service would be phased in over a 10-week period beginning October 31, 1973. Upon the cessation of any or all rail services, fixed rail assets, and freight, passenger, and work equipment which may be required if

provision is made to later resume such services would be preserved for 9 months after October 31, 1973, for sale or lease to others, preferably for continued rail operations. Respecting this latter feature, a trustee testified that while additional expense may be entailed by this "mothballing," he believed that there was a distinct possibility of improving the position of the debtor's creditors through continued availability of rail operations for acquisition by interested parties. Informal discussions with officials of the Norfolk and Western Railway Company and the Chessie System (the Chesapeake and Ohio Railway Company and the Baltimore and Ohio Railroad system) in this respect were unproductive, according to Langdon, because of the possibility of Congressional action to restructure the northeastern railroad system. In his view, however, the continued existence of rail freight service in the territory served by Penn Central was in fact required.

In 1973, Congress enacted the Regional Rail Reorganization Act (the 3R Act) in an effort to reorganize the bankrupt Northeastern and Midwestern railroads. The statute created three new entities. First, the United States Railway Association, a new government corporation, was formed to "engage in the preparation and implementation of the final system plan." 3R Act, §§ 201, 202(a)(1), later codified at 45 U.S.C. §§ 711, 712(a)(1) (1976). The Final System Plan was envisioned as a "basic document which will identify the necessary rail services in the Midwest and Northeast region and propose needed restructuring, rehabilitation, and modernization." S.Rep.No. 601, 93d Cong., 1st Sess. 25, reprinted in (1973) U.S.Code Cong. & Ad.News 3242, 3265. Although the 3R Act established eight goals which the Final System Plan was to

effectuate, Congress identified the "two basic goals," *id.*, as "(1) the creation, through a process of reorganization, of a financially self-sustaining rail service system in the region; (and) (2) the establishment and maintenance of a rail service system adequate to meet the rail transportation needs and service requirements of the region." 3R Act, § 206(a)(1), (2), later codified at 45 U.S.C. § 716(a) (1), (2). The Final System Plan was also required to designate, *inter alia*, which rail properties of the bankrupt railroads were to be transferred to the Consolidated Rail Corporation (Conrail); which properties were to be offered for sale to profitable railroads in the Midwest and Northeast region; and which properties were to be available for purchase or lease from Conrail by a state or a local or regional transportation authority to meet the needs of commuter rail passenger service. 3R Act, § 206(c)(1)(A), (B), (D), later codified at 45 U.S.C. § 716(c)(1)(A), (B),(D) (1976). The USRA was obliged to submit the Final System Plan to Congress. 3R Act § 208(a), later codified at 45 U.S.C. § 718(a) (1976). When the Final System Plan was submitted to Congress on July 26, 1975, neither house exercised its statutory opportunity to disapprove it, and it was therefore deemed approved.

The Final System Plan, became effective under the Regional Railroad Reorganization Act since neither House of Congress disapproved it within 60 days. The United States Railway Association then was required to transmit the Plan to the Special Court, Regional Railroad Reorganization Act, which had exclusive jurisdiction of all proceedings concerning the Plan. §§ 209. Under the Act, within 10 days after deposit with the Court of Conrail securities and USRA obligations, the Special Court ordered the railroad trustee to convey forthwith to Conrail the railroad's properties designated in the

Plan. §§ 303 (b). The Special Court then was required to determine under §§ 303 (c), with appeals extending to the United States Supreme Court, whether the conveyance was fair and equitable to the railroad's estate under §§ 77 standards, or whether the transfer was more fair and equitable than a constitutional minimum required (in which case necessary adjustments were to be made). If the Special Court found the conveyance not fair and equitable, the court was required to reallocate, or order issuance of additional Conrail securities and USRA obligations, enter a judgment against Conrail, or combine such remedies. The railroads that comprised Conrail were permitted to discontinue service and abandon properties not designated for transfer under the Final System Plan, but until the Final System Plan became effective, they were permitted only to discontinue service or abandon any line with USRA consent and absent reasonable state opposition. §§ 304 (f). FSP and the December 1, 1975, Official Errata Supplement.

Consolidated Rail Corporation was incorporated in Pennsylvania on October 25, 1974, as a result of the Regional Rail Reorganization Act of 1973 (3R Act), 45 U.S.C. § 741. Pursuant to that Act, and under the Final System Plan described above, Conrail received the transfer of the property of the bankrupt northeastern railroads and took over and continued their rail operations, beginning its operations as a common carrier by railroad on April 1, 1976. Substantially all of the rail properties of the bankrupt railroads (Penn Central Transportation Co., Reading Co., Erie Lackawanna R. Co., Central R. Co. of New Jersey, Lehigh Valley R. Co., and Lehigh and Hudson River R. Co.) were conveyed to Conrail on that date.

Conrail succeeded to ownership of about 366 miles of rail line comprising a substantial part of the Northeast Corridor from the bankrupt Penn Central Transportation Company on the date that Conrail took possession of its properties, April 1, 1976. Consistent with the governing statutes, the Final System Plan provided that Conrail would immediately convey that part of the NEC that it succeeded to under the Final System Plan to Amtrak, while retaining a freight service easement that permitted it to perform the freight railroad service operations over the Northeast Corridor lines.

From April 1, 1976, when Conrail acquired and took possession of its properties, until June 1, 1999, Consolidated Rail Corporation held title to and operated the property which it had acquired under the now defunct United States Railway Association's (USRA) "Final System Plan" for reorganization of the bankrupt northeastern and Midwestern railroads (Penn Central Transportation Company, its secondary debtors, the Lehigh Valley Railroad Company, the Central Railroad of New Jersey, the Lehigh & Hudson River Railway, the Reading Company, Erie Lackawanna Railway Company, and a small portion of the Ann Arbor Railroad Company). The Final System Plan had been submitted to Congress on July 26, 1975 and automatically approved after 60 days without further action by Congress under the Regional Rail Reorganization Act of 1973 (3R Act).

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. An Agreement of Merger and Reorganization, dated July 31, 1980, was the basis for Norfolk Southern Corporation control of Norfolk and Western Railway Company, headquartered in Roanoke, Virginia,

and Southern Railway Company, headquartered in Washington, DC with a substantial number of its offices also in Atlanta, Georgia, and their subsidiaries. Under approval granted by the Interstate Commerce Commission in ICC Finance Docket No. 29430 (Sub-No. 1), *Norfolk Southern Corporation -- Control -- Norfolk and Western Railway Company and Southern Railway Company*, 366 I.C.C. 173 (1982), dated March 19, 1982, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982. In October 1982, Norfolk Southern Corporation established its corporate headquarters at Norfolk, Virginia.

Two studies of the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their history. They are: E. F. Pat Striplin, *The Norfolk And Western: A History* (Roanoke, Va.: The Norfolk and Western Railway Co., 1981) and Burke Davis, *The Southern Railway: Road Of The Innovators* (Chapel Hill, N.C.: University of North Carolina Press, 1985). Numerous books have been published to chronicle the history of the Pennsylvania Railroad. Two examples are: Burgess and Kennedy, *Centennial History of the Pennsylvania Railroad Company 1846-1946* (published by The Pennsylvania Railroad Company, 1949) and Timothy Jacobs, *The History of the Pennsylvania Railroad* (Smithmark Publishers, Inc., 1995).

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. Norfolk and Western Railway Company became a wholly owned subsidiary of Norfolk Southern Railway Company rather than a subsidiary of Norfolk Southern Corporation.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company--Merger Exemption--Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company (NSR) merged Norfolk and Western Railway Company (NW) into NSR, effective September 1, 1998.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC; NSR; CSX Corporation ("CSX"); CSX Transportation, Inc. ("CSXT"), a wholly-owned subsidiary of CSX; Conrail Inc. ("CRR"); Conrail, a wholly-owned subsidiary of CRR; and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation*, and the transaction was closed and became effective June 1, 1999.

Pursuant to the Conrail Transaction Agreement, certain Conrail assets, including Conrail's remaining interest in the Line, were allocated to Pennsylvania Lines LLC ("PRR"), a wholly-owned subsidiary of Conrail. Furthermore, pursuant to the Conrail Transaction Agreement, PRR's assets, in turn, were leased to and were operated by NSR under an operating agreement. As a result of the transaction, Norfolk Southern's rail operations grew to include some 7,200 miles of the former Conrail system

(predominately the former Pennsylvania Railroad), creating balanced rail transportation in the East to benefit customers and communities alike.

On June 4, 2003, Norfolk Southern Corporation (NSC), CSX Corporation (CSX), and Consolidated Rail Corporation (Conrail) announced the joint filing of a petition with the Surface Transportation Board (STB) to establish direct ownership and control by CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NSR), the railroad subsidiaries of CSX and NSC, respectively, of the two Conrail subsidiaries - New York Central Lines LLC (NYC) and Pennsylvania Lines LLC (PRR) that CSXT and NSR had been managing and operating, respectively, since June 1, 1999 under operating agreements approved by the STB in the 1998 decision. The transaction was authorized by the STB in STB Finance Docket No. 33388 (Sub-No. 94), *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company — Control and Operating Leases/Agreements — Conrail Inc. and Consolidated Rail Corporation (Petition for Supplemental Order)*, Decision No. 2, served November 7, 2003, noted above, was concluded on August 27, 2004 (the "Spin Date") by the merger of NYC and PRR into CSX Transportation Inc. and Norfolk Southern Railway Company, respectively. The transaction resulted in the replacement of the operating agreements and allowed NSR and CSXT to operate the NYC and PRR lines via direct ownership.

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. Based on an Agreement of Merger and Reorganization, dated July 31, 1980, and eventual Interstate Commerce

Commission approval, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries.

On December 4, 1980, Norfolk Southern Corporation, Norfolk and Western Railway Company, and Southern Railway Company filed a joint application to the ICC in Finance Docket No. 29430 (Sub-No. 1), pursuant to which they sought authority under 49 U.S.C. 11343 for Norfolk Southern Corporation to acquire control through stock ownership of Norfolk and Western Railway Company and its subsidiary carrier companies, and of Southern Railway Company and its consolidated system companies.

Under approval granted by the ICC in Finance Docket No. 29430 (Sub-No. 1), *Norfolk Southern Corporation -- Control -- Norfolk and Western Railway Company and Southern Railway Company*, 366 I.C.C. 173 (1982), dated March 19, 1982, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982.

Westmoreland County was formed by an Act of Assembly, approved by Governor Richard Penn, on February 26, 1772. The county was likely named either for Westmoreland County in England or in Virginia, or for both. The 2000 Census showed a population of 369,993.

The City of Latrobe was incorporated in 1854 as the Borough of Latrobe. The plans for the community were laid out by Oliver Barnes, a civil engineer for the Pennsylvania Railroad, in 1852. The town was named for his best friend and college classmate, Benjamin Latrobe, who was a civil engineer for the B&O Railroad. As of the 2000 Census, Latrobe had a population of 7,968.

The change contemplated in the operation of the subject railroad line is for Norfolk Southern Railway Company to abandon and salvage the track and material and to the extent of its title to the real estate to deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation. There is no feasible alternative to the abandonment action because there is no revenue or potential revenue from railroad traffic on the line or other income sufficient to cover the costs of ownership, maintenance and operation of the property.

(6) **Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** - Not applicable.

(7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** – There are no structures on the line to be abandoned or within the APE for this undertaking. Carrier has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.

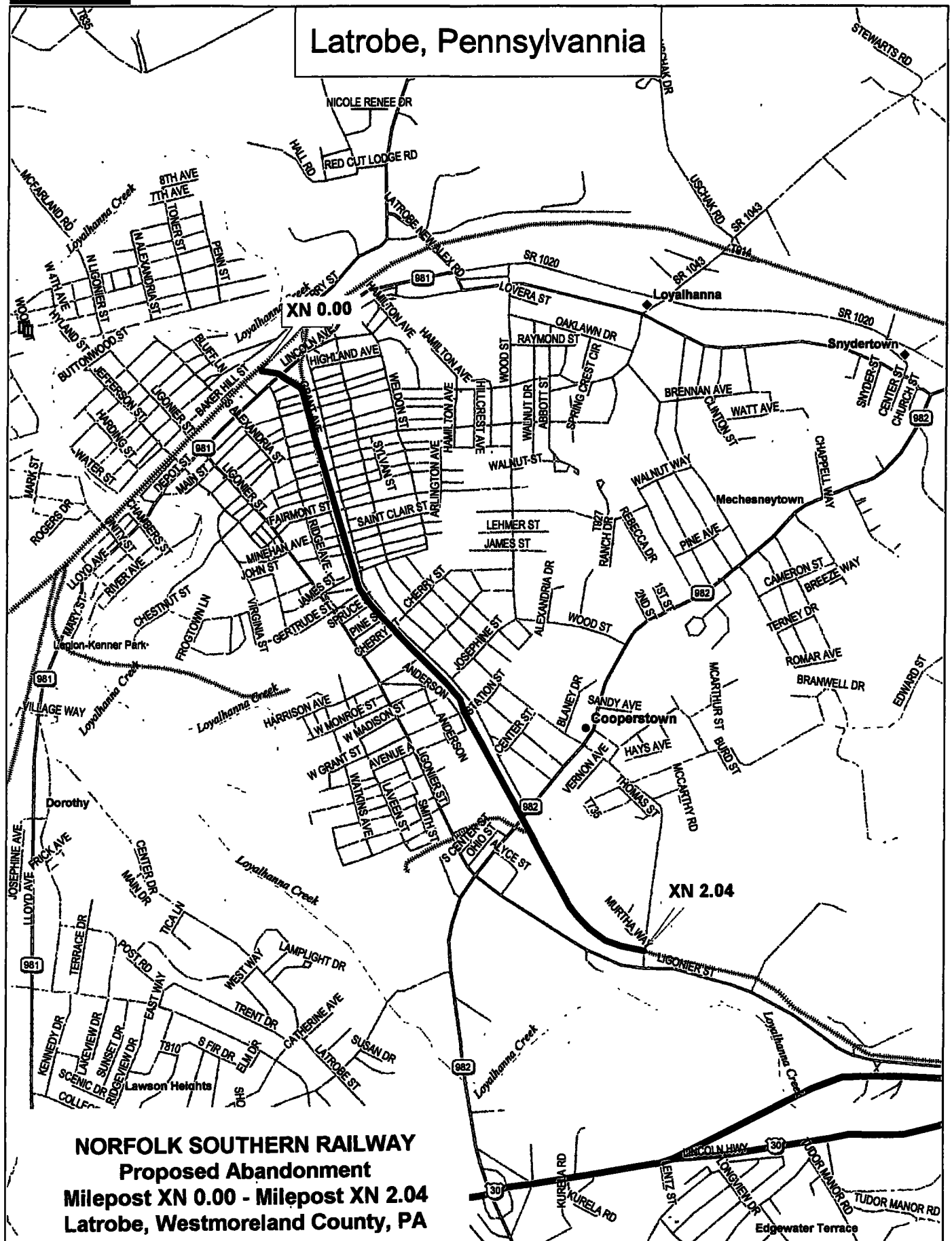
(8) **Subsurface Ground Conditions That Might Affect Archaeological Recovery** – NSR is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the railroad line by grading and filling. Abandonment and salvage of the line will not result in activities below the surface, or below the level of initial disturbance.

(9) **Follow-Up Information** - Additional information will be provided as appropriate.

APPENDIX A

Site Map

Latrobe, Pennsylvania



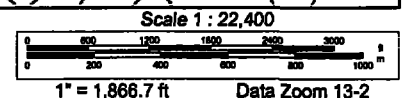
NORFOLK SOUTHERN RAILWAY
Proposed Abandonment
Milepost XN 0.00 - Milepost XN 2.04
Latrobe, Westmoreland County, PA

Data use subject to license.

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www.delorme.com

39
 MN (9.5°W)



APPENDIX B

Agency Letters



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2679

May 15, 2009

RE: Docket No. AB-290 (Sub-No. 314X), Norfolk Southern Railway Company
Abandonment – in Westmoreland County, Pennsylvania

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost XN 0.00 and Milepost XN 2.04, a distance of 2.04 miles, located in Westmoreland County, Pennsylvania.

Enclosed is an Environmental Report which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in Appendix A of this report.

NSR does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in an Environmental Report and sent to the Surface Transportation Board (STB). Appendix B of this report lists the various agencies receiving it.

This report is also being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to:

Surface Transportation Board,
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information to Kathy Headrick by email at kathy.headrick@nscorp.com, or by mail to:

Kathy Headrick
Coordinator-Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,



Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Marcellus C. Kirchner
Director Strategic Planning
(757) 629-2679
(757) 823-5807 FAX

May 15, 2009

Mr. Wayne Spilove, Chairman
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
300 North Street
Harrisburg, PA 17120

RE: STB Docket No. AB-290 (Sub-No. 314X), Norfolk Southern Railway
Company - Abandonment – in Westmoreland County, PA

Dear Mr. Spilove:

Norfolk Southern Railway Company soon expects to file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 2.04 miles of rail line between railroad mileposts XN-0.00 and XN-2.04 in Westmoreland County, Pennsylvania. Enclosed is a Historic Report describing the proposed action and any expected historic effects and a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S.W., Washington, D. C. 20423-0001, Telephone (202) 245-0295, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated as soon as possible. Please refer your comments to me by mail at the above address or by email at marc.kirchner@nscorp.com.

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcellus C. Kirchner'.

Marcellus C. Kirchner

Enclosures

cc: James R. Paschall, Esq.



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2679

July 1, 2009

RE: Docket No. AB-290 (Sub-No. 314X), Norfolk Southern Railway Company
Abandonment – in Westmoreland County, Pennsylvania

Dear Sir/Madam:

For your information, enclosed is a Combined Environmental and Historic Report with regard to the above captioned proceeding. A separate Environmental Report and a separate Historical Report were originally served on May 15, 2009, and you may have already provided your response to said report.

This report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to:

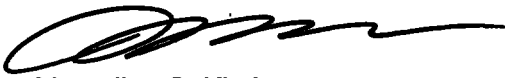
Surface Transportation Board,
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information to Kathy Headrick by email at kathy.headrick@nscorp.com, or by mail to:

Kathy Headrick
Coordinator-Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Kirchner', with a large, stylized initial 'M'.

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between MP XN 0.00 and MP XN 2.04, a distance of 2.04-miles, located in Westmoreland County, Pennsylvania.

Chairman
Westmoreland County Board of
Commissioners
2 North Main Street, Suite 101
Greensburg, PA 15601

Mayor Tom Marflak
Municipal Office, P. O. Box 829
Latrobe, PA 15650

Pennsylvania Department of Transportation
Bureau of Rail Freight, Ports & Waterways
P. O. Box 2777
Harrisburg, PA 17105

United States Army Corps of Engineers
Pittsburgh District
2200 Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222

US Fish and Wildlife Service-Region 5
300 West Gate Center Drive
Hadley, MA 01035

USDA-NRCS
1 Credit Union Place, Suite 340
Wildwood Center
Harrisburg, PA 17110

US EPA – Region 3
1650 Arch Street
Philadelphia, PA 19103

Pennsylvania Dept. of Environmental
Protection
400 Market Street
P. O. Box 2063
Harrisburg, PA 17105

Pennsylvania Dept. of Environmental
Protection
Water Planning Office (Coastal Zone)
P. O. Box 2063
400 Market Street, 15th Floor
Harrisburg, PA 17105

National Park Service - Northeast Region
U. S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106

NOAA -National Geodetic Survey
Geodetic Services Division
Room 9292, NGS/12
1315 East-West Hwy
Silver Spring, MD 20910-3282

PA Historical & Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building
2nd Floor
400 North Street
Harrisburg, PA 17120-0093

APPENDIX C

Agency Responses

Thomas C. Ceraso
Commissioner

Tom Balya
Chairman

Charles W. Anderson
Commissioner

Westmoreland County Pennsylvania



DEPARTMENT OF
PLANNING AND DEVELOPMENT
A DIVISION OF THE
WESTMORELAND DEVELOPMENT COUNCIL
FIFTH FLOOR, SUITE 520
40 NORTH PENNSYLVANIA AVENUE
GREENSBURG PA 15601

Telephone:
(724) 830-3600
FAX: (724) 830-3611
TDD: (724) 830-3802

April 6, 2009

Kathy Headrick, Coordinator Abandonments
Strategic Planning - 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

**RE: Rail Line Abandonment
City of Latrobe, Westmoreland County**

Dear Ms. Headrick:

Please be advised that the Norfolk Southern Rail Line Abandonment letter has been reviewed by the Westmoreland County Department of Planning and Development.


After a review of the information provided, the proposed project has been determined to conform to the short and long term planning goals and objectives of Westmoreland County and is consistent with its efforts and intents.

The abandonment of this segment of rail line could potentially result in a recreational trail opportunity for the City of Latrobe and surrounding areas.

Please consider the short and long term planning goals and objectives of the City of Latrobe.

If you have any questions concerning this matter, feel free to contact me at 724.830.3995.

Sincerely,


Christopher J. Bova
Senior Planner

RECEIVED
APR 09 2009



Natural Resources Conservation Service
One Credit Union Place, Suite 340
Harrisburg, PA 17110-2993

April 29, 2009

Kathy Headrick, Coordinator Abandonments
Strategic Planning- 12th Floor
Norfolk Southern Corporation
3 Commerce Place
Norfolk, VA 23510

Re: Abandonment – in Latrobe, Westmoreland County, Pennsylvania

We are not aware of any effects of Railroad Abandonment on Prime Farmland. The Federal Farmland Protection Policy Act's (FPPA) purpose is to minimize the impact on the conversion of farmland to nonagricultural uses and unless the Railroad Abandonment will convert farmland to nonagricultural uses, the FPPA would not apply. The area in question is determined to be already in urban development.

A handwritten signature in black ink, appearing to read "Edgar A. White", followed by a horizontal line.

Edgar A. White
State Soil Scientist
Harrisburg, PA



U.S. FISH AND WILDLIFE SERVICE
 Pennsylvania Field Office
 315 South Allen Street, Suite 322
 State College, Pennsylvania 16801-4850



No federally listed species under our jurisdiction is known or likely to occur in the project area. This determination is valid for two years. Should project plans change, or if additional information on listed species become available, this determination may be reconsidered.

[Signature], Supervisor 7-23-09

Strategic Planning Department
 Three Commercial Place
 Norfolk, VA 23510-9207
 (757) 629-2679

July 1, 2009

RE: Docket No. AB-290 (Sub-No. 314X), Norfolk Southern Railway Company
Abandonment – in Westmoreland County, Pennsylvania

Dear Sir/Madam:

For your information, enclosed is a Combined Environmental and Historic Report with regard to the above captioned proceeding. A separate Environmental Report and a separate Historical Report were originally served on May 15, 2009, and you may have already provided your response to said report.

This report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to:

Surface Transportation Board,
 395 E Street, S.W., Room 1106
 Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information to Kathy Headrick by email at kathy.headrick@nscorp.com, or by mail to:

Kathy Headrick
 Coordinator-Abandonments
 Norfolk Southern Corporation
 Strategic Planning Department
 Three Commercial Place
 Norfolk, VA 23510



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building

P.O. Box 2063

Harrisburg, PA 17105-2063

April 22, 2009

Water Planning Office

717-772-5622

Kathy Headrick, Coordinator Abandonments
Strategic Planning, 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

Re: Docket No. AB-290 (Sub-No. 314X)
Norfolk Southern Railway Company – Abandonment –
Latrobe, Pennsylvania, Westmoreland County

Dear Ms. Headrick:

The Pennsylvania Coastal Resource Management (CRM) Program has reviewed the General Information letter received in this office on March 24, 2009, concerning the proposed project listed above that is located in Latrobe, Pennsylvania, Westmoreland County.

We have determined that this proposed project is located outside of Pennsylvania's Erie & Delaware Coastal Zones, and will not impact upon it.

Thank you for coordinating with CRM on this project.

Sincerely,

Donovan J. Houck
Environmental Planner
Coastal Resources Management Program





DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

April 13, 2009

REPLY TO

Operations Division
Regulatory Branch
2009-681

Kathy Headrick
Strategic Planning – 12th Floor
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510-2191

Dear Ms. Headrick:

I refer to your letter requesting Army Corps of Engineers review, received in this office March 25, 2009, for the Norfolk Southern Railway Company Latrobe rail line abandonment project site, located in Latrobe, Westmoreland County, Pennsylvania. This rail line abandonment would occur between Milepost XN 0.00 and Milepost XN 2.04. You state in this letter that "There are no bridges on the rail segment and the line crosses no waterways". Also, you state that "Norfolk Southern does not anticipate the use of any new access roads, the need to conduct dredging, or the use of fill". Therefore, a Department of the Army Permit is not required for this activity provided that no fill is placed in "Waters of the US".

You may begin the work after you have received any required State and local permits.

If you have any questions, please contact Greg Currey at (412) 395-7517 or Gregory.currey@usace.army.mil.

Sincerely,

Nancy Muller
for Scott A. Hans
Chief, Regulatory Branch

Headrick, Kathy, C

From: Stettler, Thomas [TSTETTLER@state.pa.us]
Sent: Thursday, June 04, 2009 10:22 AM
To: Headrick, Kathy, C
Cc: DeBerry, Gary M
Subject: Docket No. AB-290 (Sub-No. 314X), Norfolk Southern Railway Company Abandonment - in Westmoreland County, Pennsylvania

Dear Ms. Headrick:

The PennDOT Bureau of Rail Freight, Ports and Waterways is in receipt of a May 15, 2009 letter from Mr. Marcellus C. Kirchner, Director Strategic Planning, Norfolk Southern Railway Company (NS), requesting that the Pennsylvania Department of Transportation (PennDOT) review the Environmental Report (ER) enclosed with his letter and forward any comments to you that could be considered by NS before filing a request for authority from the Surface Transportation Board (STB) to abandon a rail line in Westmoreland County, Pennsylvania (STB Finance Docket No. AB-290 (Sub-No. 314X), Norfolk Southern Railway Company Abandonment – in Westmoreland County, Pennsylvania).

Mr. Kirchner's letter and the ER were forwarded to PennDOT Engineering District 12-0, which has jurisdiction for the area in which the line of railroad being proposed for abandonment is located. In addition, the ER was also reviewed by various other PennDOT Bureaus that may potentially be affected by the proposed abandonment, including the Environmental Quality Assurance Division (EQAD).

The following comments to Mr. Kirchner's letter and the ER were submitted by PennDOT Engineering District 12-0:

- 49 CFR 1105.7(e)(7) Safety (iii)—NSR should acknowledge the potential for encountering industrial/hazardous waste soils and removal/disposal of any soils from the rail-bed should be completed with a waste acknowledgment, due to the potential for contaminated soils from the old rail bed. Disposal of any excavated waste soil should be conducted at an approved waste site;
- 49 CFR 1105.7(e)(9) Water—an approved Erosion and Sedimentation plan should be developed and the approval acquired from the Westmoreland County Conservation District. I am not sure if an NPDES permit would be required for this amount of work. If the work area is greater than 5 acres, then an NPDES would be required;
- 49 CFR 1105.7(e)(10) Proposed Mitigation—NSR should commit to temporary impacts would be mitigated— fugitive dust/air pollution; erosion/sedimentation control; and construction noise, through on-site control measures and approved work zone schedules.
- The Pennsylvania Historical and Museum Commission should be advised of this proposed track abandonment.

If you should have any questions on the above comments, please don't hesitate to contact me.

Regards,

Tom Stettler / Transportation Planning Specialist II
 PA Department of Transportation
 Bureau of Rail Freight, Ports and Waterways / Central Office
 400 North Street, 6th Floor / Harrisburg, PA 17120-0064
 Phone: 717.772.2637 / Fax: 717.346.1354
www.dot.state.pa.us



Pennsylvania Department of Environmental Protection

**400 Waterfront Drive
Pittsburgh, PA 15222-4745
May 22, 2009**

Southwest Regional Office

**412-442-4189
Fax: 412-442-4194**

Marcellus C. Kirchner
Norfolk Southern Corp
Three Commercial Place
Norfolk, PA 23510-2191

**Re: Environmental Assessment Project
Abandonment of Rail Line
Latrobe Borough
Westmoreland County**

Dear Mr. Kirchner:

DEP's regional program staff have reviewed the above project for environmental regulatory and policy requirements, and submit the following comments for your attention. These comments are only based on project information you provided, and may not be comprehensive. The applicant has the responsibility of complying with all relevant environmental laws and regulations for the project.

General

1. The applicant should contact the Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation, Box 1026, Harrisburg, PA 17108-1026, telephone number 717-783-8946, to determine if the project will pass through or otherwise impact historic or archaeological sites. Any review comments by the commission should be included with the appropriate DEP permit applications.
2. The Pennsylvania Natural Diversity Inventory List (PNDI) should be cross-checked against the site location to determine if any resources of special concern are located within the project area.

Any utility company with transmission lines within the project area should be contacted at least 30 days prior to work start by the contractor. The applicant or contractor should call 1-800-242-1776 before beginning any excavation.

Air Quality

4. Demolition waste cannot be burned.
5. Fugitive dust emissions must be controlled according to 25 Pa. Code Section 123.1.

Environmental Cleanup

6. If you plan to seek environmental liability protection under Act 2 or approved-use fill authorization by the DEP, a historical records search should be performed to determine all previous industrial operations conducted on this site. Contaminant testing should be comprehensive enough to indicate all previous sources of contamination. Off-site migration of contaminants through air, soil, or groundwater should be thoroughly addressed.

If you encounter contaminated soil during excavation contact the Southwest Region's Waste Management representative at 412-442-4125, and Environmental Cleanup Program representative at 412-442-5217, for proper management.

Oil and Gas

7. The applicant or contractor should contact DCNR's Bureau of Topographic and Geologic Survey at 412-442-4235, 500 Waterfront Drive, Pittsburgh, PA 15222, in order to determine whether any existing or abandoned oil and gas wells are known to exist within the project boundary. Adequate plugging of such wells is required.

Watershed Management

8. The following table outlines the requirements for (1) Erosion and Sedimentation (E&S) Control Plans, (2) National Pollutant Discharge Elimination System (NPDES) Permits for Storm Water (SW) Associated with Construction Activities be it either a General Permit (PAG-2) or an individual permit, and (3) Post Construction Storm Water Management Plans (PCSMP) as required by the U.S. EPA's NPDES Phase II Storm Water Program.

When required, the NPDES permit will typically be General Permit PAG-2 unless the project is located in a High Quality (HQ) or Exceptional Value (EV) Watershed as classified in DEP's 25 Pa. Code Chapter 93 Regulations. If located in a HQ or EV Watershed an individual permit will be required.

For specific guidance on your project please contact the County Conservation District Office for the county in which your project is located. The Conservation District will approve all E&S plans, review and approve all general permits PAG-2 and review all individual permits in HQ & EV Watersheds. Individual permits, however, will be issued by DEP's Regional Office.

PAG-2 and NPDES Phase II Requirements For Construction Activities

Disturbed Area	Written E&S Plan	Approved E&S Plan	NPDES SW Construction Permit	PCSM
0-5000 sq. ft.	Yes	No	No	N/A
5000 sq. ft. to less than 1 acre	Yes	Not required but may be a municipal requirement	No	N/A
1 to <5 acres w/o point source to surface waters	Yes	Not required but may be a municipal requirement	No	N/A
1 to <5 acres with point source to surface waters	Yes	Not required but may be a municipal requirement	Yes	Yes
5 or more acres	Yes	Required	Yes	Yes

If the permitted activity is in an MS4 municipality, the municipality must approve the PCSM plan. The applicant should send the PCSM plan to the MS4 municipality along with the municipal notification. Even where the approval of the PCSM plan is not required, the permittee must develop and implement the PCSM and will certify that the BMPs were implemented in accordance with the PCSM plan when the Notice of Termination (NOT) is submitted.

A point source is a discharge from the disturbed area or the erosion control facilities through a pipe, ditch, swale or stream. A non-point source typically applies only to sites with sheet flow discharges or complete infiltration.

Consider use of pervious pavement and/or "water gardens" for storm water management. Utilizing these measures could eliminate the need for an NPDES permit. For additional information, contact the Watershed Management Program's Permitting and Technical Services Section, Stormwater Engineers, at 412-442-4315.

Waste Management

- For construction/demolition and deconstruction projects, you should evaluate the materials generated to determine what can be recycled, salvaged or processed for reuse.

Please visit DEP's website: www.dep.state.pa.us and enter DEP Key word: "Construction and Demolition Waste" to find further information on handling construction/demolition material.

The Department recommends that the applicant consider salvaging reusable or deconstructed architectural and building materials such as plumbing fixtures, light fixtures, doors-windows-transoms, hardware, radiators, cabinets, and flooring, etc. at one of the Construction Material Reuse facilities in the region. These facilities are listed in the yellow pages under "Building Materials – Used." In many cases, these facilities will

pick-up reusable/deconstructed/surplus materials or provide staff to help with their removal and transportation "free-of-charge."

It is illegal to abandon or dispose of self-luminous signs, except by transfer to companies licensed by the NRC or by an Agreement State. Manufacturers of the devices have radioactive materials licenses, which allow them to accept the return of the devices. Self-luminous signs cannot be discarded as municipal or residual waste, nor disposed as a hazardous waste. Improper disposal can result in tritium releases to the environment or accidental human exposure. All radioactive exit signs must be segregated from the waste and disposed of properly. Radioactive exit signs can be identified by the labeling on the units and their ability to light without power.

Any remaining solid waste including non-useable construction and demolition waste, asbestos, and other materials must be properly stored and disposed promptly at an approved facility. For further information, call 412-442-4156.

Water Quality

11. Any activities utilizing pollutants are required by Section 91.34 of Title 25 to take all necessary measures to prevent the substances from reaching waters of the Commonwealth. A Preparedness, Prevention and Contingency Plan (PPC Plan) must be developed and maintained on site for this project in accordance with the "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" which can be found at "<http://www.depweb.state.pa.us/dep/site/default.asp>" and click on "Technical Guidance" and type 400-2200-001 into the search field.
12. Waste concrete and concrete truck wash down can be harmful to aquatic life. Care should be taken to keep waste concrete and concrete truck wastewater from reaching storm drains, streams, drainage ditches and catch basins.

You may access our eMapPA website at:

<http://www.emappa.dep.state.pa.us/emappa/viewer.htm> to view the facilities of environmental interest or concern that are near your proposed project.

Should you have any questions or if the project is significantly modified in the future, please contact this office at the telephone number listed above.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald A. Schwartz". The signature is fluid and cursive, with the first name "Ronald" being the most prominent.

Ronald A. Schwartz, P.E.
Assistant Regional Director
Southwest Regional Office

Headrick, Kathy, C

From: Stettler, Thomas [TSTETTLER@state.pa.us]
Sent: Thursday, July 23, 2009 1:42 PM
To: Headrick, Kathy, C
Cc: DeBerry, Gary M
Subject: Docket No. AB-290 (Sub-No. 314X), Norfolk Southern Railway Company Abandonment - in Westmoreland County, Pennsylvania
Importance: High

Dear Ms. Headrick:

The PennDOT Bureau of Rail Freight, Ports and Waterways is in receipt of a July 1, 2009 letter from Mr. Marcellus C. Kirchner, Director Strategic Planning, Norfolk Southern Railway Company (NSR), requesting that the Pennsylvania Department of Transportation (PennDOT) review the Combined Environmental and Historic Report (ER/HR) enclosed with his letter and forward any comments to you that could be considered by NS before filing a request for authority from the Surface Transportation Board (STB) to abandon a rail line in Westmoreland County, Pennsylvania (STB Finance Docket No. AB-290 (Sub-No. 314X), Norfolk Southern Railway Company Abandonment – in Westmoreland County, Pennsylvania).

Mr. Kirchner's letter and the ER/HR were forwarded to PennDOT Engineering District 12-0, which has jurisdiction for the area in which the line of railroad being proposed for abandonment is located. In addition, the ER/HR was also reviewed by various other PennDOT Bureaus that may potentially be affected by the proposed abandonment, including the Environmental Quality Assurance Division (EQAD).

The following comments to Mr. Kirchner's letter and the ER/HR were submitted by Mr. Stephen J. Wiedemer, Environmental Manager, PennDOT Engineering District 12-0:

- 49 CFR 1105.7(e)(7) Safety (iii)—NSR should acknowledge the potential for encountering industrial/hazardous waste soils and removal/disposal of any soils from the rail-bed should be completed with a waste acknowledgment, due to the potential for contaminated soils from the old rail bed. Disposal of any excavated waste soil should be conducted at an approved waste site;
- 49 CFR 1105.7(e)(9) Water—an approved Erosion and Sedimentation plan should be developed and the approval acquired from the Westmoreland County Conservation District. I am not sure if an NPDES permit would be required for this amount of work. If the work area is greater than 5 acres, then an NPDES would be required;
- 49 CFR 1105(e)(10) Proposed Mitigation—NSR should commit to temporary impacts would be mitigated-- fugitive dust/air pollution; erosion/sedimentation control; and construction noise, through on-site control measures and approved work zone schedules.
- The Pennsylvania Historical and Museum Commission should be advised of this proposed track abandonment.

If you should have any questions on the above comments, please don't hesitate to contact me.

Regards,

Tom Stettler / Transportation Planning Specialist II
PA Department of Transportation
Bureau of Rail Freight, Ports and Waterways / Central Office
400 North Street, 6th Floor / Harrisburg, PA 17120-0064
Phone: 717.772.2637 / Fax: 717.346.1354
www.dot.state.pa.us



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

June 9, 2009

Marcellus C. Kirchner
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

TO EXPEDITE REVIEW USE
BHP REFERENCE NUMBER

Re: File No. ER 2009-1584-129-A
STB Docket No. AB-290 (Sub-No.
314X): Norfolk Southern Railway
Company Abandonment, Latrobe
Westmoreland County

Dear Mr. Kirchner:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation. These requirements include consideration of the project's potential effect upon both historic and archaeological resources.

There may be historic buildings/structures/districts/objects eligible for the National Register of Historic Places located in the project area. However, due to the nature of the activity, it is our opinion that there will be no effect on these properties. Should the scope and/or nature of the project activities change, the Bureau for Historic Preservation should be contacted immediately.

In our opinion no archaeological investigations are necessary in this project area.

If you need further information in this matter please consult Susan Zacher at (717) 783-9920.

Sincerely,

Douglas C. McLearen, Chief
Division of Archaeology &
Protection

DCM/tmw

APPENDIX D

Norfolk Southern Railway Company Abandonment in Westmoreland County, PA

At-Grade Crossings

MILEPOST	STREET
0.10	Depot Street
0.19	Main Street
0.28	Fairmont Street
0.37	Weldon Street
0.39	Spring Street (private crossing)
0.90	Jones Street
1.05	Cedar Street
1.25	Grant Street
1.50	Hillview Avenue

**Combined Environmental and Historic Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. §1105.7(b) and 49 C.F.R. §1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-290 (Sub-No. 314X) was mailed via first class mail on July 1, 2009, to the following parties:

Chairman
Westmoreland County Board of
Commissioners
2 North Main Street, Suite 101
Greensburg, PA 15601

Mayor Tom Marflak
Municipal Office
P. O. Box 829
Latrobe, PA 15650

Pennsylvania Department of Transportation
Bureau of Rail Freight, Ports & Waterways
P. O. Box 2777
Harrisburg, PA 17105

United States Army Corps of Engineers
Pittsburgh District
2200 Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222

US Fish and Wildlife Service
Region 5
300 West Gate Center Drive
Hadley, MA 01035

USDA-NRCS
1 Credit Union Place, Suite 340
Wildwood Center
Harrisburg, PA 17110

US EPA – Region 3
1650 Arch Street
Philadelphia, PA 19103

PA Dept. of Environmental Protection
400 Market Street
P. O. Box 2063
Harrisburg, PA 17105

PA Dept. of Environmental Protection
Water Planning Office (Coastal Zone)
P. O. Box 2063
400 Market Street, 15th Floor
Harrisburg, PA 17105

National Park Service - Northeast Region
U. S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106

NOAA -National Geodetic Survey
Geodetic Services Division
Room 9292, NGS/12
1315 East-West Hwy
Silver Spring, MD 20910-3282

PA Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Bldg., 2nd Floor
400 North Street
Harrisburg, PA 17120-0093



Marcellus C. Kirchner

July 1, 2009

State of Pennsylvania
County of Westmoreland

}

SS.

NOTICE OF INTENT TO ABANDON RAIL SERVICE

Norfolk Southern Railway Company (NSR) gives notice that on or about August 18, 2009, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, permitting NSR's abandonment of a 2.04-mile line of railroad between milepost XN-0.00 and milepost XN-2.04, which traverses through United States Postal Service ZIP Code 15650, in Latrobe, Westmoreland County, Pennsylvania. NSR's main line will still serve Latrobe. The proceeding will be docketed as No. AB-290 (Sub No. 314X).

The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 or by calling that office at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/ trails use also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 395 E Street, S.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Congressional and Public Services at 202-245-0230. Copies of any comments or requests for conditions should be served on the applicant's representative: James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757) 629-2759.

(7/21/09)

247

Personally appeared before me a Notary Public in and for said state and county, the undersigned, who being duly sworn according to law, deposes and says, for the publisher, that the LATROBE BULLETIN is a newspaper of general circulation, established on the 19th day of December 1902, and published daily in the City of Latrobe, County of Westmoreland and State of Pennsylvania, and that the advertisement, of which a copy is hereto attached, was published in the regular edition and issues on the following date

July 21, 2009

and is in all respects as ordered and that neither the affiant nor publisher is interested in the subject matter of the notice and that all of the allegations of the statement as to time, place and character of publication are true.

Patricia A. Shuck
Business Manager

Subscribed and sworn to before me this

22 day of July 2009
[Signature]
Notary Public 63

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Jamie L. Knechtel, Notary Public
City Of Latrobe, Westmoreland County
My Commission Expires Dec 24 2009

Member, Pennsylvania Association of Notaries



Exhibit 4

Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

James R. Paschall
Senior General Attorney

(757) 629-2759

July 22, 2009

Pennsylvania Dept. of Transportation
Bureau of Rail Freight, Ports and Waterways
P. O. Box 2777
Harrisburg, PA 17105

Mr. James H. Cawley, Chairman
Pennsylvania Public Utilities Commission
P. O. Box 3265
Harrisburg, PA 17105

U. S. Dept. of Defense (SDDCTEA)
Railroads for National Defense Program
709 Ward Drive
Bldg. 1990, Room 2E264
Scott AFB, IL 62225

Regional Director
National Park Service-Northeast Region
U. S. Customhouse, Fifth Floor
200 Chestnut Street
Philadelphia, PA 19106

Ms. Jan Matthews, Associate Director
U. S. Department of the Interior
National Park Service
Cultural Resources, Room 3126
1849 C Street, N.W.
Washington, DC 20240

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
1400 Independence Ave., SW
Washington, DC 20250-0003

Re: STB Docket No. AB-290 (Sub-No. 314X), Norfolk Southern Railway Company –
Abandonment, in Latrobe, Westmoreland County, Pennsylvania

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about August 18, 2009, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's abandonment of a 2.04-mile line of railroad lying between milepost XN-0.00 and milepost XN-2.04 in Latrobe, Westmoreland County, Pennsylvania (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroads' possession will be made available promptly to those requesting it.

Very truly yours,

James R. Paschall

JRP:kch
Enclosure